

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2330

United States of America,

Appellee,

v.

Rodrigo Duran,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.
[UNPUBLISHED]

Submitted: January 16, 2002

Filed: January 22, 2002

Before WOLLMAN, Chief Judge, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

Following an unsuccessful motion to suppress evidence seized as the result of wiretap interceptions, Rodrigo Duran pleaded guilty to conspiring to possess with intent to distribute over 50 grams of methamphetamine, in violation of 21 U.S.C. § 846. Consistent with the parties' plea agreement stipulations, the district court¹ sentenced Duran to 121 months in prison and 5 years of supervised release. On appeal, Duran's attorney has filed a brief and moved to withdraw under Anders v.

¹The Honorable Ronald E. Longstaff, Chief Judge, United States District Court for the Southern District of Iowa.

California, 386 U.S. 738 (1967). Duran has not filed a pro se supplemental brief, despite being invited to do so. We affirm Duran's conviction and sentence.

Counsel's arguments address the unsuccessful motion to suppress, but Duran waived the right to challenge its denial by unconditionally pleading guilty to the offense. See United States v. Beck, 250 F.3d 1163, 1166 (8th Cir. 2001). Having found no other nonfrivolous issues for appeal upon our independent review pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we affirm the judgment of the district court, grant counsel's motion to withdraw, and deny counsel's request for oral argument. See 8th Cir. R. 47B.

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.